

## Message Text

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PAGE 01 ANKARA 01149 150113Z

64

ACTION NEA-13

INFO OCT-01 ISO-00 H-03 SS-20 SPC-03 NSC-10 L-03 CIAE-00

DODE-00 INR-10 NSAE-00 PA-04 RSC-01 USIA-15 PRS-01

SAM-01 SCS-03 SCA-01 DEAE-00 JUSE-00 DRC-01 /090 W

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R 141029Z FEB 74

FM AMEMBASSY ANKARA

TO SECSTATE WASHDC 27\*5

INFO AMCONSUL ADANA

AMCONSUL ISTANBUL

AMCONSUL IZMIR

C O N F I D E N T I A L ANKARA 1149

E.O. 11652: GDS

TAGS: CASC, PFOR, TU

SUBJ: DISCUSSION WITH FONMIN GUNES ON AMERICAN

CITIZENS IN TURKISH PRISONS

BEGIN SUMMARY: ON FEB 13 WHEN I DISCUSSED THE PROBLEM ARISING FROM THE SEVERE COURT SENTENCES FOR CERTAIN AMERICAN NARCOTICS OFFENDERS, FONMIN GUNES APPEARED SYMPATHETIC. HE ALREADY HAD BEEN BRIEFED IN SOME DETAIL ON THE TWO PROMINENT CASES I MENTIONED. ALTHOUGH HE FELT THE SENTENCES WERE TOO HEAVY, HE WAS NOT SURE HOW MUCH COULD BE DONE. HE OFFERED HOWEVER TO CONSULT WITH THE INTERIOR MINISTER AND SEND A NOTE ON THE SUBJECT TO THE COMMITTEE NOW DRAWING UP AMNESTY LEGISLATION. END SUMMARY.

1. DURING MEETING WITH TURK FONMIN GUNES ON FEB 13, I RAISED THE PROBLEM OF AMERICAN CITIZENS SENTENCED TO LENGTHY JAIL TERMS FOR NARCOTICS OFFENSES, SPEAKING PARTICULARLY OF WILLIAM HAYES, JR. AND THE ANTAKYA THREE. I NOTED THAT THESE CASES HAD ATTRACTED CONSIDERABLE ATTENTION WITH AMERICAN PUBLIC AND AMONG US JOURNALISTS AND MEMBERS OF CONGRESS. I EXPRESSED CONCERN OVER CLEAR PROSPECT THAT THEIR CASES COULD CAUSE GROWING PROBLEMS IN US-  
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PAGE 02 ANKARA 01149 150113Z

TURKISH RELATIONS.

2. I OUTLINED FOR GUNES THE PRESENT SITUATIONS REGARDING HAYES AND THE ANTAKYA THREE. WHILE MAKING IT CLEAR I NOT CRITICIZING TURK LEGAL PROCEDURES I EXPLAINED " DOUBLE JEOPARDY" ASPECT OF HAYES CASE AND NOTED THAT TURKISH LAWYER FOR ANTAKYA THREE BELIEVES CASE AGAINSTTHEM(NOW ON APPEAL) SERIOUSLY FLAWED. MAIN POINT I STRESSED HO EVER WAS SEVERITY OF\*SENTENCES SEEMED IN AMERICAN EYES TO BE SERIOUSLY UNFAIR TREATMENT. IN VIEW OF THIS I EXPRESSED HOPE THAT FORTHCOMING AMNESTY LEGISLATION WOULD EITHER REMOVE OR SIGNIFICANTLY ALLEVIATE THESE POTENTIAL BURDENS ON US-TURKISH RELATIONS.

3. GUNES RESPONSE, ONLY HALF IN JEST, WAS THAT SOME FRIENDS OF TURKEY SEEMED TO VARY THEIR ATTITUDES, BELIEVING ON SOME OCCASIONS THAT TURKS SHOULD TAKE RADICAL MEASURES IN NARCOTICS MATTERS AND AT OTHER TIMES SEEMING TO FAVOR A MORE INDULGENT ATTITUDE. I RESPONDED THAT IN US CASE THIS REPRESENTED A LACK OF UNDERSTANDING OF THE DIFFERENCE IN OUR ATTITUDE TOWARD THE RELATIVE SERIOUSNESS OF HEROIN VERSUS HASHISH PROBLEMS (A REMARK WHICH LED TO SUBSEQUENT PRESENTATION BY GUNES\* OF NEW TURKISH GOVT'S POSITION RE POPPY BAN, SEPARATELY REPORTED).

4. GUNES SAID THAT HE PERSONALLY THOUGHT THE SENTENCES HANDED DOWN WERE TOO HEAVY, BUT HE WAS NOT SURE THAT MUCH COULD BE DONE FOR THESE PEOPLE AT THE MOMENT. WE WOULD HAVE TO WAIT AND SEE WHAT THE GENERAL AMNESTY BRINGS. FROM WHAT LITTLE HE KNEW OF THE PROPOSED AMNESTY, HE THOUGHT THAT SENTENCES UP TO 22 OR 24 YEARS WOULD BE FORGIVEN OR REDUCED SUBSTANTIALLY. BEYOND THIS POINT HE WAS DOUBTFUL, AND THOSE WITH 30-YEAR OR LIFE SENTENCES WOULD PROBABLY NOT ACHIEVE A GREAT DEAL FROM THE AMNESTY. HE SAID HOWEVER HE WOULD BE GLAD TO DISCUSS THE SITUATION WITH THE MINISTER OF JUSTICE. HE ALSO SAID HE WOULD BE PREPARED TO SEND A NOTE TO THE COMMITTEE NOW DRAWING UP THE AMNESTY LEGISLATION. MACOMBER

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